



LETTER NO. L-77-10

ERICA M. HAMILTON  
COMMISSION SECRETARY  
Commission.Secretary@bcuc.com  
web site: <http://www.bcuc.com>

SIXTH FLOOR, 900 HOWE STREET, BOX 250  
VANCOUVER, B.C. CANADA V6Z 2N3  
TELEPHONE: (604) 660-4700  
BC TOLL FREE: 1-800-663-1385  
FACSIMILE: (604) 660-1102

Log No. 34492

**VIA EMAIL**

September 21, 2010

*michael@smartenergybc.com*

Mr. Michael Cook  
President  
Smart Energy (B.C.) Ltd.  
114-3280 Mt. Lehman Road  
Abbotsford, BC V4X 2M9

Dear Mr. Cook:

Re: Smart Energy (B.C.) Ltd.  
Application for a Licence to Market Natural Gas – Consumer Agreement

The Commission is in receipt of Smart Energy (B.C.) Ltd.'s (Smart Energy) application for renewal of its licence to market natural gas dated August 27, 2010.

In reviewing Smart Energy's application, the Commission noted that the Renewal section of Smart Energy's revised consumer agreement states that: "If the Customer does not cancel this Agreement within the 30-day period, this Agreement will be renewed at the price and term set out in the renewal notice."

Article 27 of the Code of Conduct for Gas Marketers (Code of Conduct), Renewal, states in part, that: "Where no instructions are received by Terasen Gas from the current Gas Marketer of record prior to the cut-off date for the applicable renewal date, and where a valid enrollment for the same Consumer is not received by Terasen Gas from another Marketer, the Consumer's Agreement will be evergreened, with the same fixed price for a 12 month period."

The Commission notes that Smart Energy's contract does not comply with Article 27 of the Code of Conduct. Smart Energy must provide a revised contract that conforms to the requirements of the Code of Conduct and must file it with the Commission before its licence renewal application will be reviewed.

Yours truly,

Erica M. Hamilton

/jt